

500.31108CC5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: A. TANAKA et al.

Serial No.: 09/712,171

Filed: November 15, 2000

For: DATA RECONSTRUCTION METHOD AND SYSTEM
WHEREIN TIMING OF DATA RECONSTRUCTION IS
CONTROLLED IN ACCORDANCE WITH CONDITIONS
WHEN A FAILURE OCCURS (As Amended)

Art Unit: 2184

Examiner: S. Baderman

Attention: Customer Service
Technology Center 2100



REQUEST FOR REMAILING OF NOTICE OF ALLOWANCE
OF SEPTEMBER 30, 2002, NOT RECEIVED
BY APPLICANTS' REPRESENTATIVES

Box Issue Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

October 28, 2002

Sir:

On October 24, 2002, Alexis in Technology Center 2100 Customer Service informed the applicants' representatives at the law firm indicated below that she had the PTO's file of the above-identified application in her possession, and that a copy of a Notice of Allowance mailed on September 30, 2002, was in the PTO's file.

However, the Notice of Allowance of September 30, 2002, was not received by the applicants' representatives at the law firm indicated below, and it is respectfully requested that the Notice of Allowance be remailed with a new mailing date rather than the original mailing date of September 30, 2002, pursuant to the guidelines set forth in MPEP 710.06 and 711.03(c)(II).

The correspondence address for the present application is the address of the applicants' representatives at the law firm indicated below (hereafter referred to as "the firm"), which appears in the PTO's computer records for the application as follows:

ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VA 22209

The applicants' representatives at the law firm indicated below have conducted a search of the firm's file jacket of the present application and the firm's docket records, and the result of the search indicates that the Notice of Allowance of September 30, 2002, was not received by the applicants' representatives at the law firm indicated below.

Mail addressed to the firm is taken directly to the firm's mail room where it is opened for review by one of the partners of the firm. The partner reviewing the mail takes all mail received from the PTO directly to the firm's docketing department.

The docketing department maintains a computer docketing system in which all correspondence received from the PTO is entered, and a master docket book in which all correspondence received from the PTO requiring a reply is

docketed according to the last possible date for filing a reply including any available extensions of time.

The docketing department enters a Notice of Allowance into the computer docketing system as an action named "ISSUE FEE" with a "BASE" date which is the mailing date of the Notice of Allowance, and "DUE" and "FINAL" dates which are the date three months from the mailing date of the Notice of Allowance.

Attached hereto is a printout of the record for the present application in the computer docketing system from which it can be seen that there is no action named "ISSUE FEE" with a "BASE" date of September 30, 2002, and "DUE" and "FINAL" dates of December 30, 2002, as there would have been if the Notice of Allowance of September 30, 2002, had been received by the applicants' representatives at the law firm indicated below, thereby evidencing that the Notice of Allowance of September 30, 2002, was not received by the applicants' representatives at the law firm indicated below.

There is an action named "ISSUE FEE" with a "BASE" date of May 30, 2002, and "DUE" and "FINAL" dates of August 30, 2002, listed on the printout of the record for the present application in the computer docketing system. However, this refers to the first Notice of Allowance which was mailed on May 30, 2002. However, the applicants did not pay the issue fee in response to the Notice of Allowance of May 30, 2002, but filed a request for continued examination (RCE) and an Information Disclosure Statement on August 23, 2002. The Notice of Allowance which was mailed on September 30, 2002,

which was not received by the applicants' representatives at the law firm indicated below is the second Notice of Allowance which has been issued in the present application.

The docketing department enters a Notice of Allowance into the master docket book as "Issue Fee" on the date which is three months from the mailing date of the Notice of Allowance, along with the attorney docket number, the first inventor's last name, the serial number, and the initials of the attorney or attorneys handling the application.

Accordingly, if the Notice of Allowance of September 30, 2002, had been received by the applicants' representatives at the law firm indicated below, the master docket book would contain an entry "Issue Fee" for the present application on December 30, 2002, which is three months from the mailing date of September 30, 2002, of the Notice of Allowance.

Attached hereto is a copy of the page of the master docket book for December 30, 2002, from which it can be seen that there is no entry "Issue Fee" for the present application Serial No. 09/712,171, attorney docket number 500.31108CC5, on December 30, 2002, thereby evidencing that the Notice of Allowance of September 30, 2002, was not received by the applicants' representatives at the law firm indicated below, although there are entries "Issue Fee" for nine other applications on December 30, 2002.

The docketing department takes all Notices of Allowance received from the PTO directly to the firm's formalities department. The formalities department maintain an issue fee docket book in which all Notices of

Allowances are docketed according to the "DATE DUE" listed on the Notice of Allowance which is the date three months from the mailing date of the Notice of Allowance unless that date falls on a weekend or holiday in which case the "DATE DUE" listed on the Notice of Allowance is the next business day.

The formalities department enters a Notice of Allowance into the issue fee docket book on the "DUE DATE" listed on the Notice of Allowance by listing the attorney docket number, the first inventor's last name, and the initials of the attorney or attorneys handling the application on that date.

The date three months from the mailing date of September 30, 2002, of the Notice of Allowance is December 30, 2002, which is a Monday. Accordingly, if the Notice of Allowance of September 30, 2002, had been received by the applicants' representatives at the law firm indicated below, the issue fee docket book would contain an entry for the present application on December 30, 2002.

Attached hereto is a copy of the page of the issue fee docket book for December 30, 2002, from which it can be seen that there is no entry for the present application, docket number 500.31108CC5, first inventor Tanaka, on December 30, 2002, thereby evidencing that the Notice of Allowance of September 30, 2002, was not received by the applicants' representatives at the law firm indicated below, although there are entries for nine other applications on December 30, 2002, which are the same nine applications having entries of "Issue Fee" on December 30, 2002, in the master docket book as discussed above.

Since the Notice of Allowance of September 30, 2002, was not received by the applicants' representatives at the law firm indicated below for the reasons discussed above, it is respectfully requested that the Notice of Allowance be remailed with a new mailing date rather than the original mailing date of September 30, 2002, pursuant to the guidelines set forth in MPEP 710.06 and 711.03(c)(II).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Carl I. Brondidge
Registration No. 29,621

CIB/RSS
(703) 312-6600

Attachments

COMPUTER DCKETING SYSTEM

OPER ENTERED MODIFIED ATTORNEYS / / PRINTED ON:

ATSK# CNTRY UNITED STATES NEW/CON RELATED

PATS# TYPE SERIAL# PATENT# STAT

TITLE RL/FM

CLIENT 1 CREF SE ART

AGENT AREF CLAIMS

PRIOR MAIL FILE PUBL ISSUE EXP 1ST

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
PC	N	POST CARD CHECK	11/15/00	1M	12/15/00		12/15/00	0	12/1/00	0M	N	N	Y
FS	N	FILE RCPT STATUS CHK	11/15/00	3M	2/15/01		2/15/01	0	2/5/01	0M	N	N	Y
RE	N	RESPONSE TO OA	12/17/01	3M	3/17/02	31	6/17/02	3	5/17/02	1M	Y	Y	N
	N	FILE RCE	8/30/02	0M	8/30/02		8/30/02	0	8/23/02	1M	Y	Y	Y
ID	N	IDS DUE	8/30/02	0M	8/30/02		8/30/02	0	8/23/02	1M	Y	Y	N
	N	FILE CONT APP	8/30/02	0M	8/30/02		8/30/02	0		1M	Y	Y	Y
IF	N	ISSUE FEE	5/30/02	3M	8/30/02		8/30/02	0	8/23/02	1M	Y	Y	Y
	Y	IDS FILED	9/30/02										

INVENTORS

TANAKA, ATSUSHI

KAMO, YOSHIHISA

KAKUTA, HITOSHI

ASSIGNEES

HITACHI, LTD.

PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
500.31108CC4	US	09/162,444	9/29/98	DATA RECONSTRUCTION METHOD AND SYSTEM EMPLOYING THE SAME	APPL

NOTES

04/15/02 FAX/COMMS/INSTR
 40/19/02 LTR/CONFIRM FAX
 7/22/02 FAX/FILE CONT APP
 7/29/02 LTR/CONFIRM FAX
 8/20/02 FAX/FILE RCE/IDS
 8/22/02 FAX/COMMS
 8/23/02 FAX/COMMS
 8/28/02 LTR/COMMS
 8/29/02 LTR/CONFIRM FAX
 9/17/02 FAX/COMM RE COPIES
 09/23/02 LTR/CONFIRM FAX/COMMS RE COPIES
 10/23/02 LTR/CONFIRM FAX

MASTER DOCKET BOOK

2002 364th day - 1 day follows

DECEMBER

30

MONDAY

178. 41137600 Call up to file nom prov app NS
 500. 37603X00 KAMETANI 398044 NOA - top MR COM
 219. 37992A00 NAT'L Phase
 730. 38523A00 NAT'L Phase
 017. 39625A00 Chapter 11 Due
 520. 33155C10 Tamura 849405 Donuttee. SEM
 " " " " Pub Fee SEM
 178. 38904X00 Kudo 772901 Donuttee. WIS
 " " " " Pub Fee WIS
 601. 38169X00 Satou 497679 Donuttee. MR
 501. 35762X1 Mine 520346 Donuttee. WIS
 475. 40028X00 Sola 807724 Donuttee. ALP
 500. 34013C2 MORI 811457 ISSUE FEE CUB
 " " " " PUB FEE CUB
 500. 33773C1 SAIKI 191562 ISSUE FEE PJS
 " " " " PUB FEE PJS
 520. 33155C9 Janura 778786 Donuttee. SEM
 520. 39004X00 Kudo 1654388 Donuttee. MR
~~500~~ Error WB

ISSUE FEE DCKET BOOK

DECEMBER

30

MONDAY

2002 364th day - 1 day follows

520.33155CC9 Tamura GEM

500.33773CX1 Sailki RSS

500.34013CX2 Mori CIB

475.46028X00 Sala AES

501.38169X00 Satou MK

501.35762CX1 mine WIS

178.38904X00 Kwon RSS

520.33155C10 Tamura- GEM

500.39004X00 Kudo MK